

REMARKS

Claims 1-5, 7-14, and 17-18 are pending in the present application

The final Office Action mailed July 1, 2005 rejected claims 1-4, 8-12, 14, and 17-18 under 35 U.S.C. § 102(e) as anticipated by *Barton et al.* (U.S. 6,307,926) and claims 5, 7, and 13 under 35 U.S.C. § 103(a) as obvious over *Barton et al.* in view of the instant application.

Applicants respectfully traverse the rejections of the claims, as the applied art neither discloses nor suggests “providing the suspicious originating phone number to another database accessible by the local exchange carrier network” as recited by independent claims 1 and 10.

In contrast, *Barton et al.* (per col. 4: 23-37) is directed to a system for preventing fraud in a telecommunications network prior to call-connection. Pre-connect fraud screening is conducted at the point of calling card validation in the service control point (SCP), which is provided with logic to screen attempted calls for predefined indicia of fraud and to instruct a switch or other network element to block or otherwise handle the call. This pre-call fraud prevention logic may take the form of a fraud screening tree stored as database tables in the SCP or otherwise accessible by the SCP. The fraud screening tree may include one or more decision nodes that ultimately culminate in a prediction of whether or not the attempted call is likely to be fraudulent and should therefore not be connected. Based on this prediction, the SCP then inserts a success or failure message into a response TCAP message and passes the response TCAP back to the querying system.

The Office Action (p. 4) contends that *Barton et al.* discloses:

With respect to providing the suspicious originating phone number to another database accessible by the LEC, note that the IXC provides the LEC with pre-connect fraud screening (Col. 7, lines 38-46) which includes originating numbers. Certainly, the LEC can access its own database. In addition, note the “alternately and additionally” language, indicating more databases to store information (Col. 7, lines 17-24). Additionally, note Col. 7, lines 52-55, where the LEC has access to the SCP database.

However, Applicants respectfully submit that “the IXC provides the LEC with pre-connect fraud screening” does not disclose or suggest “providing the suspicious originating phone number to another database accessible by the local exchange carrier network” as recited by the claims. *Barton et al.*, at col. 7: 38-46 merely mentions that an **IXC may provide specialized levels of fraud screening** for different groups of customers, such as one type of fraud screening provided for one LEC, and another type for another LEC. Thus, the fraud screening is handled at the IXC, with no apparent need or desire to store a “suspicious originating phone number” to any database accessible by any LEC. Therefore, there is no need or desirability for the LEC to “access its own database” in this context as suggested by the Office Action.

Regarding the “alternately and additionally” language cited by the Office Action, *Barton et al.* at col. 7: 17-24 is directed to querying an LEC database for validation information in the case of LEC calling cards (i.e., regarding **whether the LEC calling card is valid**), which also does not suggest or disclose the claimed feature. Even if col. 7: 17-24 were to suggest “more databases to store information,” there is no disclosure or suggestion to store any “suspicious originating phone number” to any database accessible by an LEC.

Col. 7: 52-55 of *Barton et al.* states, “This service code designation may be provided by a customer database keyed to the billing number or, alternatively, may be provided to the SCP by an LEC database or some other source.” At best, this passage, cited by the Office Action, suggests that the LEC may access its own database to obtain a service code designation in order to provide the service code designation to the SCP, i.e., that the SCP may have access to certain information in the LEC database, and not the other way around. Thus, the Office Action’s wishful contention that this passage discloses “the LEC has access to the SCP database” has no technical merit. Therefore, there is no disclosure or suggestion in the applied art of “providing

the suspicious originating phone number to another database accessible by the local exchange carrier network.”

In the “Response to Arguments” section (p. 4), the Office Action contends, “any database can be accessible by a local exchange carrier with the right permissions. For example, a local exchange has a backup database (possible serviced [*sic*] by another company) that would inherently contain the suspicious originating phone number and would be accessible by the local exchange.” However, not only does this contention rely solely on wishful analysis by the Office Action that is not suggested or disclosed by any of the applied references, but this even this wishful contention still does not cure the deficiencies of *Barton et al.* pointed out by Applicants with regard to “providing **the suspicious originating phone number** to another database accessible by the local exchange carrier network.” It is improper to ignore qualifiers in the claim terms such as “suspicious.” See *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14 (Fed. Cir. 2000) (holding that the district court “cannot read the qualifier ‘help’ out the definition of ‘help access window’” of claim 2). Here, the Examiner dismisses the positively recited language of “suspicious” out of “**suspicious originating phone number**,” thereby reading “**suspicious originating phone number**” as originating phone number, in contravention of settled law.

A single prior art reference anticipates a patent claim if it expressly or inherently describes each and every limitation set forth in the patent claim. *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Inherent anticipation requires that the missing descriptive material is “necessarily present,” not merely probably or possibly present, in the prior art. *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citing *Continental Can Co. USA, Inc. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991)). To anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten*

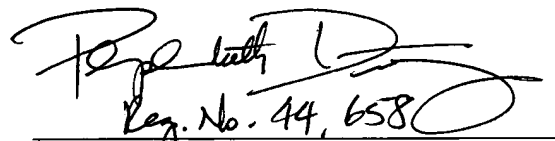
Mfg. Corp. v. Cleveland Golf Co., 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). The Office Action has failed to meet its burden with regard to the anticipation rejection.

With regard to the obviousness rejection, the portions of the present application cited by the Office Action (p. 5) do not cure the deficiencies noted above with regard to *Barton et al.*, and thus, the rejection of all pending claims should be withdrawn.

Therefore, the present application overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (703) 425-8501 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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